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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 19th March, 1986 :—

BILL No. XIII OF 1986

A Bill further to amend the Inter-State Water Disputes Act, 1956.

BE it enacted by Parliament in the Thirty-Seventh Year of the Republic of India
as follows :—

1. This Act may be called the Inter-State Water Disputes (Amendment) Act, 1986.

Short
title.

2. In the Inter-State Water Disputes Act, 1956, after section 13, the following section shall be inserted, namely:—

Insertion
of new
section
14.

‘14. (1) Notwithstanding anything contained in the foregoing provisions of this Act, the Central Government may, by notification in the Official Gazette, constitute a Tribunal under this Act, to be known as the Ravi and Beas Waters Tribunal for the verification and adjudication of the matters referred to in paragraphs 9·1 and 9·2, respectively, of the Punjab Settlement.

Constitu-
tion of
Ravi and
Beas
Waters
Tribunal.

(2) When a Tribunal has been constituted under sub-section (1) the provisions of sub-sections (2) and (3) of section 4, sub-sections (2), (3) and (4) of section 5 and sections 5A to 13 (both inclusive) of this Act relating to the constitution, jurisdiction, powers, authority and bar of jurisdiction shall, so far as may be, but subject to sub-section (3) hereof, apply to the constitution, jurisdiction, powers, authority and bar of jurisdiction in relation to the Tribunal constituted under sub-section (1).

(3) When a Tribunal has been constituted under sub-section (1) the Central Government alone may *suo motu* or at the request of the concerned State Government refer the matters specified in paragraphs 9.1 and 9.2 of the Punjab Settlement to such Tribunal.

Explanation.—For the purposes of this section, “Punjab Settlement” means the Memorandum of Settlement signed at New Delhi on the 24th day of July, 1985.’

3. The Ravi and Beas Waters Tribunal Ordinance, 1986, is hereby repealed.

Repeal
of Ordinance
2 of 1986

STATEMENT OF OBJECTS AND REASONS

Paragraph 9 of the Punjab Memorandum of Settlement signed at New Delhi on the 24th July, 1985 provides as follows :—

“9.1 The farmers of Punjab, Haryana and Rajasthan will continue to get water not less than what they are using from the Ravi-Beas system as on 1-7-1985. Waters used for consumptive purposes will also remain unaffected. Quantum of usage claimed shall be verified by the Tribunal referred to in para 9.2 below ;

9.2 The claim of Punjab and Haryana regarding the shares in their remaining waters will be referred for adjudication to a Tribunal to be presided over by Supreme Court Judge. The decision of this Tribunal will be rendered within six months and would be binding on both parties. All legal and constitutional steps required in this respect be taken expeditiously.”

2. The tribunal contemplated under paragraph 9 of the Punjab Settlement could not be set up earlier due to certain unavoidable administrative reasons. As the intention was to give effect to all the terms of the Punjab Settlement from the 26th January, 1986, the Ravi and Beas Waters Tribunal Ordinance 1986, (2 of 1986) was promulgated by the President on the 24th January, 1986, so as to enable the constitution of the Ravi and Beas Waters Tribunal to give effect to the provisions of paragraph 9 of the Punjab Settlement. The Tribunal under the provisions of the ordinance has also been set up on the 25th January, 1986. A Bill to replace the aforesaid Ordinance, which was introduced in the Lok Sabha, has been withdrawn on the 18th March, 1986.

3. In the meanwhile, it was felt that the object could be achieved by the constitution of a Tribunal under the provisions of the Inter-State Water Disputes Act, 1956 (33 of 1956) through a suitable amendment. This may serve to meet any possible objection that may be raised that this matter had been taken up for separate treatment by the constitution of a Tribunal under a separate enactment. It is, therefore, proposed to amend the Inter-State Water Disputes Act, 1956 to provide for the constitution of a Tribunal under that Act for the adjudication of this matter and to repeal the Ravi and Beas Waters Tribunal Ordinance, 1986.

4. The Bill seeks to achieve the above objects.

NEW DELHI;
The 19th March, 1986.

B. SHANKARANAND.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to insert a new section 14 in the Inter-State Water Disputes Act, 1956, which enables the Central Government to constitute the Ravi and Beas Waters Tribunal for the verification and adjudication of the matters referred to in paragraph 9 of the Punjab Settlement. Sub-section (2) of this new section makes the provisions of the Act relating to the constitution, jurisdiction, powers, authority, etc., applicable to the Tribunal constituted under sub-section (1) of this section.

2. Under sub-section (2) of section 4 of the Act as applied by Sub-section (2) of new section 14, the proposed Tribunal shall consist of a Chairman and two other members nominated in this behalf by the Chief Justice of India from among persons who at the time of such nomination are Judges of the Supreme Court or of a High Court. The Tribunal may also appoint two or more persons as assessors to advise in the proceedings before it. Section 19 of the Act states that the Chairman and the other members of the Tribunal and the assessors shall be entitled to receive such remuneration, allowances or fees as may be prescribed by rules made under the Act.

3. Sub-section (2) of section 9 of the Act as applied by sub-section (2) of new section 14, empowers the Tribunal to require any State Government to carry out or permit to be carried out such surveys and investigation as may be considered necessary for the adjudication of the matters pending before it.

4. The total expenditure involved in the functioning of the said Tribunal for six months has been assessed at Rs. 30 lakhs. The said expenditure will be charged to "Non-Plan" head and will be accounted for under Major-Head 296 of the Ministry of Water Resources. The said expenditure will be met through Supplementary Grant to be obtained for the said Ministry.

5. The Bill will not involve any other recurring or non-recurring expenditure.

SUDARSHAN AGARWAL

Secretary-General.